

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No: 5:16-CV-00812-BR**

**CUSTOM DYNAMICS LLC,)
Plaintiff,)
v.)
NEW RAGE CYCLES and JUSTIN VOGEL,)
Defendants.)**

CONSENT JUDGMENT

Before the court is a motion for entry of consent judgment submitted by the Plaintiff Custom Dynamics, LLC and reflecting the consent of Defendant New Rage Cycles (“NRC”) and Justin Vogel to enter into this consent judgment as part of a settlement between the parties to finally resolve this litigation between them. Pursuant to Rule 58 of the Federal Rules of Civil Procedure and upon the agreement of the parties, the Court enters judgment for Plaintiff and against Defendants as follows.

The Court finds as follows:

1. Defendants consent that personal jurisdiction and venue are appropriate in this matter.
2. Defendants compete against Plaintiff in the automotive lighting business.

3. Custom Dynamics owns United States Patent No. 8,876,331 entitled “Annular Lighting Fixture and Method for Illumination,” United States Patent No. 8,192,061 entitled “Annular Lighting Fixture and Method for Illumination,” United States Patent No. D611,187 entitled “Light Fixture,” and United States Patent No. D605,345 entitled “Light Fixture” (the four asserted patents referred to collectively herein as “the ALF Patents”).

4. Defendants do not contest Plaintiff's ownership or the validity or enforceability of the ALF Patents.

5. Custom Dynamics accuses Defendants of infringement based on Defendants selling and distributing particular lighting devices. To resolve this dispute, Defendants consent to being permanently enjoined from

- i. making, importing, selling or distributing annular lighting fixtures having a housing comprising a top portion and a bottom portion, a channel defined by the top portion and the bottom portion and plurality of lights [disposed in the channel and](#)
- ii. making, importing, selling or distributing annular lighting fixtures having an annular housing with a channel; a plurality of lights disposed in said channel; and one or more flexible circuit boards, wherein said plurality of lights comprises light emitting diodes mounted upon said one or more flexible circuit boards and wherein said plurality of lights sweeps at a viewing angle of from not less than 60 degrees to not more than 270 degrees.

("ALF Devices") until the expiration of each asserted ALF Patent, absent an express written license from Custom Dynamics.

6. For purposes of resolving the disputes and disagreements between them, Plaintiff and Defendants have reached an agreement on all matters in controversy between them and consent to entry of final judgment on the terms and conditions set forth herein with each party to bear its own cost and fees associated with this action.

IT IS THEREFORE ORDERED THAT:

Defendant NRC, to include its divisions, officers, directors and managing agents, , and employees, as well as its assigns and successors-in-interest, and Defendant Vogel are

PERMANENTLY ENJOINED from

- i. making, importing, selling or distributing annular lighting fixtures having a housing comprising a top portion and a bottom portion, a channel defined by the top portion and the bottom portion and plurality of lights disposed in the channel and
- ii. making, importing, selling or distributing annular lighting fixtures having an annular housing with a channel; a plurality of lights disposed in said channel; and one or more flexible circuit boards, wherein said plurality of lights comprises light emitting diodes mounted upon said one or more flexible circuit boards and wherein said plurality of lights sweeps at a viewing angle of from not less than 60 degrees to not more than 270 degrees

(“ALF Devices”) until December 10, 2028 absent an express written license from Custom Dynamics.

DONE AND ORDERED in Chambers in Raleigh, North Carolina this 23 day of November 2016.



The Honorable W. Earl Britt
Senior United States District Court Judge

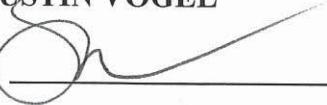
We consent.

COATS & BENNETT, PLLC

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NEW RAGE CYCLES and
JUSTIN VOGEL

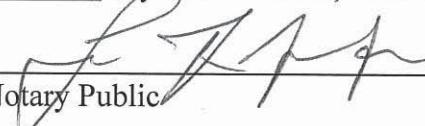
By: 
Title: Owner
Date: 11/18/14

State of New York
County of Westchester

I, Fredrick R. Van Hall, Notary Public, do hereby certify that Justin Vogel personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 18 day of November, 2016.

(Official Seal)


Notary Public

FREDRICK R VANHALL
NOTARY PUBLIC STATE OF NEW YORK
WESTCHESTER COUNTY
LIC. #01VA6132919
COMM. EXP. 09/19/2017

My commission expires: 09/19/2017